

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

MICROSOFT CORPORATION, a Washington corporation, Plaintiff, v. IMMERSION CORPORATION, a Delaware corporation, Defendant. ) No. CV07 936RSM  
 ) DECLARATION OF ALAN J.  
 ) HEINRICH IN SUPPORT OF  
 ) IMMERSION CORPORATION'S  
 ) MOTION TO COMPEL RESPONSES  
 ) TO REQUEST FOR PRODUCTION  
 ) NOS. 53, 54 AND 71 AND REFERENCED  
 ) IN RESPONSE TO INTERROGATORY  
 ) NO. 7  
 ) NOTED ON MOTION CALENDAR:  
 ) March 28, 2008

I, Alan J. Heinrich, declare as follows:

1. I am a partner at the law firm of Irell & Manella LLP, co-counsel of record for defendant Immersion Corporation (“Immersion”) in the above captioned action. I am a member in good standing of the California State Bar and am admitted to practice before this Court in this case *pro hac vice*. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. Attached hereto as Exhibit 1 is a true and correct copy of Immersion Corporation's First Set of Requests for Production of Documents to Microsoft Corporation dated September 11, 2007 (the "Requests").

3. Attached hereto as Exhibit 2 is a true and correct copy of Microsoft Corporation's ("Microsoft") responses to the Requests, dated October 11, 2007.

DECLARATION OF ALAN J. HEINRICH IN SUPPORT OF IMMERSION CORPORATION'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS (CV07 936RSM) - 1

**BYRNES & KELLER** LLP  
38TH FLOOR  
**1000 SECOND AVENUE**  
**SEATTLE, WASHINGTON 98104**  
**(206) 622-2000**

4. Attached hereto as Exhibit 3 is a true and correct copy of a letter from me to Paul J. Kundtz, counsel for Microsoft, dated November 5, 2007.

5. Attached hereto as Exhibit 4 is a true and correct copy of a letter from me to Paul J. Kundtz, counsel for Microsoft, dated December 21, 2007.

6. Attached hereto as Exhibit 5 is a true and correct copy of a letter from Wendy E. Lyon, counsel for Microsoft, to Bradley S. Keller, counsel for Immersion, dated January 2, 2008.

7. Attached hereto as Exhibit 6 is a true and correct copy of a letter from me to Wendy E. Lyon, counsel for Microsoft, dated January 18, 2008.

9. Attached hereto as Exhibit 7 is a true and correct copy of Immersion Corporation's First Set of Interrogatories to Microsoft Corporation dated January 14 (“Interrogatories”).

10. On January 22, 2008, the parties conducted a telephonic conference pursuant to Fed. R. Civ. P. 37. I hereby certify that Immersion in good faith conferred with Microsoft in an effort to avoid motion practice. During the conference, Microsoft stated that it refused to produce documentation concerning settlements of other lawsuits, necessitating this motion.

11. Attached hereto as Exhibit 8 is a true and correct copy of Microsoft's responses to Immersion's First Set of Interrogatories dated February 13, 2008 (with redactions).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED on March 13, 2008, at Los Angeles, California.

By /s/ Alan J. Heinrich

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**CERTIFICATE OF SERVICE**

The undersigned attorney certifies that on the 13th day of March, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Paul J. Kundtz (pkundtz@riddellwilliams.com)  
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